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EXAMINER				
BELANI, KISHIN G				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,589

Applicant(s)

TAMAI, HIROAKI

Examiner

KISHIN G. BELANI

Art Unit

2443

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Applicant's RCE filed on 06/04/2009. **Independent Claims 1 and 8** have been currently amended. The applicants' amendments to claims are shown in ***bold and italics***, and the examiner's response to the amendments is shown in **bold** in this office action. **Claims 1, 2, 4-9, and 11-14** are now pending in the present application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/04/2009 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 7-9, 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by **Wakayama et al. (U.S. Patent Application Publication # 2004/0136368 A1)**.

Consider **claim 1**, Wakayama et al. show and disclose a statistical information extraction method (abstract which discloses a method using a packet transfer apparatus with a statistics information collecting processor and a line card that transfers header information of packets to the statistics information collecting processor; further disclosing that on the basis of the statistics information collected, the setting of the search table to be provided for the line card will be renewed; Figs. 1-2 and paragraphs 0053 and 0057 further describe the claimed method in detail), comprising: a first step of setting a table for retrieving a pattern to which a user policy is reflected (Table 117 shown in Fig. 3 that contains entries with specific source and destination IP addresses used as search key to retrieve a pattern from the transmitted packets; the search key being based on a user policy of assigning specific packets to designated line cards as shown in Fig. 3; paragraph 0061 discloses the corresponding details, thereby disclosing setting a table for retrieving a pattern to which a user policy is reflected); a second step of retrieving the pattern from received packets based on the table (Fig. 2; paragraph 0057 which discloses a received packet buffer 114, a packet processing engine 116, a header buffer 120, and a search table 117 in which the packet processing engine stores packet header as well as information concerning correspondence

relationship of processing of the packet, and memory 122 to store the search table 117, thus disclosing retrieving the pattern from received packets based on the table); and a third step of storing statistic information of the pattern retrieved (Fig. 4, that shows a Header Information Analyzer 152, an Adder 153 for counting the number of packets processed, and a Statistics Table 154 for storing statistics information obtained by counting by the adder; paragraph 0062 discloses the same details); wherein the first step sets in a first table a packet type, an error type, and a pattern extraction position within **a header of** a received packet corresponding to those types, sets in a second table a retrieval pattern corresponding to the pattern extraction position (Fig. 10, step 5020, that shows a packet header being extracted and stored in a header buffer; Fig. 8 shows the table containing stored header information; Figs. 12-13 which show the layout of the fields that make up the Ethernet Header and the IP Header extracted and stored in the header buffer, specifically **a 2-byte Frame Type (packet type) field 603 at offset 12 from the beginning of the Ethernet header** in Fig. 12, and **a 1-byte TTL (error type) field at offset 8 from the beginning of the IP header, and a 1-byte Protocol field at offset 9 from the beginning of the IP header, as shown** in Fig. 13; the layout of fields (for example **4-byte key fields Source IP Address and Destination IP Address at offsets 12 and 16 respectively from the beginning of the IP header**) as shown in Fig. 13, showing pattern extraction positions (**12 from the Ethernet header; and 8, 9, 12, and 16 from the IP header**) and field lengths (**2 for frame type, 1, 1, 4, and 4 for TTL, Protocol, Source and Destination IP addresses**)

within a received packet header corresponding to the search parameters (**Source and Destination IP addresses** shown in Fig. 3)); and

the second step determines that the pattern has been retrieved when a pattern of the received packet is retrieved based on the pattern extraction position, and the retrieved pattern is matched with the retrieval pattern set in the second table (Fig. 11, step 5230 which shows that the pattern of search key (shown in Fig. 3) has been extracted from the packet header based on the pattern extraction position (shown in IP header 610 in Fig. 13); step 5240 which judges flow by matching the retrieved pattern with the retrieval pattern set in the second table (shown in Fig. 3); paragraphs 0084-0085 disclose the same details).

Consider **claim 2**, and **as applied to claim 1 above**, Wakayama et al. disclose the claimed statistical information extraction method, wherein the first step sets in the table whether or not the received packet should be made a learning object (Fig. 10; paragraph 0073 which discloses that the packet processing engine 116 holds a packet counter for adding a number of packets processed by the packet processing engine 116; further disclosing that the packet processing engine increases a value P_n of the packet counter by 1, then judges whether or not the value P_n matches a predetermined integer value N (N greater than 2); if the value P_n of the packet counter is equal to N , the frame for header transfer 35 shown in Fig. 4 will be generated to transfer to the statistics information collecting processor 15, and the value P_n of the packet counter will be reset, thereby disclosing that every N^{th} packet is to be made a learning object), and

the second step adds to the table a pattern unable to be retrieved if the received packet is set as the learning object in the table when the pattern is unable to be retrieved (Fig. 10; paragraph 0073 further discloses extracting packet header information and storing it in the header buffer in step 5020, if it is every N^{th} packet, which is selected as the learning object; since such selected packet is not previously stored in the table, the pattern is unable to be retrieved during the table search).

Consider **claim 4**, and **as applied to claim 1 above**, Wakayama et al. disclose the claimed statistical information extraction method, wherein the first step sets the first and the second table separately, and retrieves both tables in a partially and mutually associated manner (Fig. 3, Search Table 117 that shows a separate second table storing a retrieval pattern (Source IP Address, Destination IP Address) corresponding to the pattern extraction position shown in the Header Buffer (stored in a first table shown in Fig. 8) described in Fig. 10, step 5020, and further detailed in Fig. 13; the two tables being set separately, but processed in a partially and mutually associated manner in order to extract statistical information from the packets of interest; paragraph 0061 further describes the search table 117 and paragraphs 0073, 0079-0080 disclose the details of the fields in the header buffer (Frame Type, TTL, Protocol, etc.)).

Consider **claim 7**, and **as applied to claim 1 above**, Wakayama et al. disclose the claimed statistical information extraction method, wherein the third step counts the retrieved pattern, and makes the count the statistic information (Fig. 4; paragraph 0062

which disclose the details of a Statistics Information Collecting Processor that includes an adder 153 to count number of packets retrieved, and stores the statistics information in the statistics table 154).

Consider **claim 8**, Wakayama et al. show and disclose a statistical information extraction device (abstract which discloses a packet transfer apparatus with a statistics information collecting processor and a line card that transfers header information of packets to the statistics information collecting processor; further disclosing that on the basis of the statistics information collected, the setting of the search table to be provided for the line card will be renewed; Figs. 1-2 and paragraphs 0053 and 0057 further describe the claimed device in detail), comprising:

a first means setting a table for retrieving a pattern to which a user policy is reflected (Table 117 shown in Fig. 3 that contains entries with specific source and destination IP addresses used as search key to retrieve a pattern from the transmitted packets; the search key being based on a user policy of assigning specific packets to designated line cards as shown in Fig. 3; paragraph 0061 discloses the corresponding details, thereby disclosing setting a table for retrieving a pattern to which a user policy is reflected);

a second means retrieving the pattern from received packets based on the table (Fig. 2; paragraph 0057 which discloses a received packet buffer 114, a packet processing engine 116, a header buffer 120, and a search table 117 in which the packet processing engine stores packet header as well as information concerning correspondence relationship of processing of the packet, and memory 122 to store the search table 117,

thus disclosing retrieving the pattern from received packets based on the table); and a third means storing statistic information of the pattern retrieved (Fig. 4, that shows a Header Information Analyzer 152, an Adder 153 for counting the number of packets processed, and a Statistics Table 154 for storing statistics information obtained by counting by the adder; paragraph 0062 discloses the same details); wherein the first means sets in a first table a packet type, an error type, and a pattern extraction position within **a header of** a received packet corresponding to those types, sets in a second table a retrieval pattern corresponding to the pattern extraction position (Fig. 10, step 5020, that shows a packet header being extracted and stored in a header buffer; Fig. 8 shows the table containing stored header information; Figs. 12-13 which show the layout of the fields that make up the Ethernet Header and the IP Header extracted and stored in the header buffer, specifically **a 2-byte Frame Type (packet type) field 603 at offset 12 from the beginning of the Ethernet header** in Fig. 12, and **a 1-byte TTL (error type) field at offset 8 from the beginning of the IP header**, and **a 1-byte Protocol field at offset 9 from the beginning of the IP header**, as shown in Fig. 13; the layout of fields (for example **4-byte key fields Source IP Address and Destination IP Address at offsets 12 and 16 respectively from the beginning of the IP header**) as shown in Fig. 13, showing pattern extraction positions (**12 from the Ethernet header; and 8, 9, 12, and 16 from the IP header**) and field lengths (**2 for frame type, 1, 1, 4, and 4 for TTL, Protocol, Source and Destination IP addresses**) within a received packet header corresponding to the search parameters (**Source and Destination IP addresses** shown in Fig. 3)); and

the second means determines that the pattern has been retrieved when a pattern of the received packet is retrieved based on the pattern extraction position, and the retrieved pattern is matched with the retrieval pattern set in the second table (Fig. 11, step 5230 which shows that the pattern of search key (shown in Fig. 3) has been extracted from the packet header based on the pattern extraction position (shown in IP header 610 in Fig. 13); step 5240 which judges flow by matching the retrieved pattern with the retrieval pattern set in the second table (shown in Fig. 3); paragraphs 0084-0085 disclose the same details).

Consider **claim 9**, and **as applied to claim 8 above**, Wakayama et al. disclose the claimed statistical information extraction device, wherein the first means sets in the table whether or not the received packet should be made a learning object (Fig. 10; paragraph 0073 which discloses that the packet processing engine 116 holds a packet counter for adding a number of packets processed by the packet processing engine 116; further disclosing that the packet processing engine increases a value P_n of the packet counter by 1, then judges whether or not the value P_n matches a predetermined integer value N (N greater than 2); if the value P_n of the packet counter is equal to N , the frame for header transfer 35 shown in Fig. 4 will be generated to transfer to the statistics information collecting processor 15, and the value P_n of the packet counter will be reset, thereby disclosing that every N^{th} packet is to be made a learning object), and the second means adds to the table a pattern unable to be retrieved if the received packet is set as the learning object in the table when the pattern is unable to be

retrieved (Fig. 10; paragraph 0073 further discloses extracting packet header information and storing it in the header buffer in step 5020, if it is every N^{th} packet, which is selected as the learning object; since such selected packet is not previously stored in the table, the pattern is unable to be retrieved during the table search).

Consider **claim 11**, and **as applied to claim 8 above**, Wakayama et al. disclose the claimed statistical information extraction device, wherein the first means sets the first and the second table separately, and retrieves both tables in a partially and mutually associated manner (Fig. 3, Search Table 117 that shows a separate second table storing a retrieval pattern (Source IP Address, Destination IP Address) corresponding to the pattern extraction position shown in the Header Buffer (stored in a first table shown in Fig. 8) described in Fig. 10, step 5020, and further detailed in Fig. 13; the two tables being set separately, but processed in a partially and mutually associated manner in order to extract statistical information from the packets of interest; paragraph 0061 further describes the search table 117 and paragraphs 0073, 0079-0080 disclose the details of the fields in the header buffer (Frame Type, TTL, Protocol, etc.)).

Consider **claim 14**, and **as applied to claim 8 above**, Wakayama et al. disclose the claimed statistical information extraction device, wherein the third means counts the retrieved pattern, and makes the count the statistic information (Fig. 4; paragraph 0062 which disclose the details of a Statistics Information Collecting Processor that includes

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an adder 153 to count number of packets retrieved, and stores the statistics information in the statistics table 154).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 6, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wakayama et al. (U.S. Patent Application Publication # 2004/0136368 A1)** in view of **Albert et al. (U.S. Patent Publication # 6,606,316 B1)**.

Consider **claim 5**, and **as applied to claim 1 above**, Wakayama et al. disclose the claimed statistical information extraction method, wherein only when types of the

received packet correspond to both types set in the first table, the second step retrieves, from the second table, a retrieval pattern at the pattern extraction position (Fig. 12, paragraph 0077 which discloses packet type field 603 in the header buffer; paragraphs 0078-0080 further disclose that the upper layer protocol of a packet encapsulated in the Ethernet header can be distinguished by the value of the type field 603 of the Ethernet header; further disclosing that a value of 0x0800 indicates an IP header, whereas a value of 0x8100 represents a Tag value, a TTL field that indicates error situation when set to 0, and a Protocol field that represents TCP protocol when set to a value of 6; any or all of these fields can be used as search keys (see Fig. 3), such that only after the search key values match those in the incoming packet, the second step retrieves, from the second table, a retrieval pattern at the pattern extraction position; Paragraph 0061 describes similar details using Source IP Address and Destination IP Address as search keys).

However, Wakayama et al. do not specifically describe that the second step retrieves, from the second table, a retrieval pattern at the pattern extraction position corresponding to the both types.

In the same field of endeavor, Albert et al. disclose the claimed method, including retrieving a pattern at the pattern extraction position corresponding to both types (Fig. 7 table 700 that includes Information Flag 704 corresponding to IP header indicator, Protocol field 706 indicating TCP as one of the protocol, and Time To Live (TTL) field 722 that indicates an error packet when it is set to 0; column 16, lines 26-63 and column 17, lines 35-47 describe these fields in more details; column 3, lines 57-61 disclose

fixed affinities that identify flows (a set of related packets sent between two end stations) for which statistics are to be kept; further disclosing that for each flow that is being serviced, the service manager can define a statistics gathering policy that is tailored to the flow; column 7, lines 7-11 further disclose that TCP connections are defined by a 5-tuple fixed affinity that includes the source and the destination IP addresses, the source and the destination port numbers, and an identification of the protocol (TCP, UDP) that applies to the packet; column 7, lines 62-67 thru column 8, lines 1-9 further disclose using wildcard affinities to specify specific sets of flows of interest; column 10, lines 65-67 disclosing that each wildcard affinity provides a filter which recognizes general classes of packets of interest; column 21, lines 57-61 and column 22, lines 13-15 also disclose the same details, thereby teaching retrieving a pattern at the pattern extraction position corresponding to both types (using information flag for selecting IP packet type and using TTL value for determining whether or not the packet indicates an error packet)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include retrieving a pattern at the pattern extraction position corresponding to both types, as taught by Albert et al., in the method of Wakayama et al., so that the statistics can be collected for different categories of packets.

Consider **claim 6**, and **as applied to claim 5 above**, Wakayama et al., as modified by Albert et al., further disclose the claimed statistical information extraction

method, wherein the first step sets the packet type and the error type in a hard logic, and the second step retrieves the pattern extraction position from the first table based on the packet type and the error type identified by the hard logic, and further retrieves, from the second table, the retrieval pattern corresponding to the pattern extraction position (in Albert et al. reference, column 4, lines 3-10, which discloses that the discloses invention can be implemented in either hardware (as a device) or in software (as a set of computer instructions stored on a computer-readable medium)).

Consider **claim 12**, and **as applied to claim 8 above**, Wakayama et al. disclose the claimed statistical information extraction device, wherein only when types of the received packet correspond to both types set in the first table, the second means retrieves, from the second table, a retrieval pattern at the pattern extraction position (Fig. 12, paragraph 0077 which discloses packet type field 603 in the header buffer; paragraphs 0078-0080 further disclose that the upper layer protocol of a packet encapsulated in the Ethernet header can be distinguished by the value of the type filed 603 of the Ethernet header; further disclosing that a value of 0x0800 indicates an IP header, whereas a value of 0x8100 represents a Tag value, a TTL field that indicates error situation when set to 0, and a Protocol field that represents TCP protocol when set to a value of 6; any or all of these fields can be used as search keys (see Fig. 3), such that only after the search key values match those in the incoming packet, the second step retrieves, from the second table, a retrieval pattern at the pattern extraction

position; Paragraph 0061 describes similar details using Source IP Address and Destination IP Address as search keys).

However, Wakayama et al. do not specifically describe that the second means retrieves, from the second table, a retrieval pattern at the pattern extraction position corresponding to the both types.

In the same field of endeavor, Albert et al. disclose the claimed device, including retrieving a pattern at the pattern extraction position corresponding to both types (Fig. 7 table 700 that includes Information Flag 704 corresponding to IP header indicator, Protocol field 706 indicating TCP as one of the protocol, and Time To Live (TTL) field 722 that indicates an error packet when it is set to 0; column 16, lines 26-63 and column 17, lines 35-47 describe these fields in more details; column 3, lines 57-61 disclose fixed affinities that identify flows (a set of related packets sent between two end stations) for which statistics are to be kept; further disclosing that for each flow that is being serviced, the service manager can define a statistics gathering policy that is tailored to the flow; column 7, lines 7-11 further disclose that TCP connections are defined by a 5-tuple fixed affinity that includes the source and the destination IP addresses, the source and the destination port numbers, and an identification of the protocol (TCP, UDP) that applies to the packet; column 7, lines 62-67 thru column 8, lines 1-9 further disclose using wildcard affinities to specify specific sets of flows of interest; column 10, lines 65-67 disclosing that each wildcard affinity provides a filter which recognizes general classes of packets of interest; column 21, lines 57-61 and column 22, lines 13-15 also disclose the same details, thereby teaching retrieving a

pattern at the pattern extraction position corresponding to both types (using information flag for selecting IP packet type and using TTL value for determining whether or not the packet indicates an error packet)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include retrieving a pattern at the pattern extraction position corresponding to both types, as taught by Albert et al., in the device of Wakayama et al., so that the statistics can be collected for different categories of packets.

Consider **claim 13**, and **as applied to claim 12 above**, Wakayama et al., as modified by Albert et al., further disclose the claimed statistical information extraction device, wherein the first step sets the packet type and the error type in a hard logic, and the second step retrieves the pattern extraction position from the first table based on the packet type and the error type identified by the hard logic, and further retrieves, from the second table, the retrieval pattern corresponding to the pattern extraction position (in Albert et al. reference, column 4, lines 3-10, which discloses that the discloses invention can be implemented in either hardware (as a device) or in software (as a set of computer instructions stored on a computer-readable medium)).

Response to Arguments

Applicant's arguments filed 06/04/2009 have been fully considered but they are not persuasive.

The examiner respectfully disagrees with applicant's arguments as the applied references in the prior final office action provide adequate support and clarification for rejecting the claims. Therefore, the examiner's rejection of 02/13/2009 is maintained in this office action.

Consider **independent claim 1**. The applicant has argued that Wakayama at best mentions "header information" and fails to teach or suggest "a packet type, an error type, and a pattern extraction position within a header of a received packet set in the first table;" and "a retrieval pattern corresponding to the pattern extraction position set in the second table," as recited in amended independent claims 1 and 8. The examiner would like to point to Figs. 12-13 in the Wakayama reference. Fig. 12 shows the layout of an **Ethernet header** 600 of 14 bytes consisting of three fields, of which field 603 (a 2-byte field) represents Frame Type (Packet Type). The Ethernet header field 600 is also shown in Fig. 13 on top of the IP header 610. The type field 603 is further described in paragraph 0079, disclosing that when the Ethernet header encapsulates an IP packet, the packet type field 603 is set to a hexadecimal value of "0800"x (representing IPv4 packet type). Paragraphs 0080-0081 disclose other packet type values for field 603. Likewise, a zero value in the TTL (Time To Live) field in the IP header 610, indicates that the packet failed to reach its destination in allocated time (an error type indication), and will be discarded. The details of IP header fields can be read at the web site:

<http://www.networksorcery.com/enp/protocol/ip.htm>

The examiner's response to the pattern extraction position within a header of a received packet is also based on the layout of IP header fields shown in Wakayama's

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Fig. 13. In Wakayama disclosure, the pattern extraction is based on using the search keys 1171 (see Fig. 3) of Source and Destination IP addresses. The pattern extraction positions within the IP header of a received packet for these search keys are shown (in Fig. 13) to be at offsets 12 and 16 respectively. Thus Wakayama clearly shows the extraction position of these keys, as recited in the independent claims 1 and 8. Furthermore, Table 3 clearly shows the actual values of these search keys (Source and Destination IP addresses) extracted and saved in a second table (of Fig. 3), corresponding to what is recited for the independent claims 1 and 8.

Therefore, the examiner has concluded that the cited Wakayama reference does teach and disclose each and every element of independent claims 1 and 8, which are deemed not allowable. No new arguments are presented for the other claims, which also remain rejected.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Friday from 6:00 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/K. G. B./
Examiner, Art Unit 2443

August 10, 2009

/George C Neurauter, Jr./
Primary Examiner, Art Unit 2443